

REMARKS

The Office Action of May 16, 2008 has been reviewed and the Examiner's comments carefully considered. Claims 1, 4 and 18 have been amended, and new claims 21 and 22 have been presented by way of this Amendment. Accordingly, claims 1, 4, 5, 18, 21 and 22 are currently pending in this application, and claims 1 and 18 are in independent form. Support for the amendment can be found in Figs. 3 and 4 and on page 3 and 4, paragraphs [0024]-[0025] of the specification.

Claim Objection:

Claim 4 has been objected to for containing an informality. Claim 4 has been amended to recite that the wiper comprises a brush, which is similar to the claim language of claim 18. Applicant respectfully requests that the objection to claim 4 be withdrawn.

Rejections Under 35 U.S.C. §103(a):

Claims 1, 4, 5 and 18 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,487,623 to Easter (hereinafter "Easter") in view of U.S. Patent No. 6,432,152 to Frerich (hereinafter "Frerich").

The present invention, as defined by independent claim 1, is directed to an industrial truck that includes a radiator and a cooling air line. A filter device is located in the flow path of the cooling air line, wherein the filter device includes a stationary screen that is non-removably integrated into the cooling air line. A cleaning device is effectively connected with the screen integrated into the cooling air line. The cleaning device includes a single wiper, which is movable up and down, along an outside surface of the screen. The wiper is fastened to a lever arm that is connected with a hand lever located outside the cooling air line, such that the lever arm is manually actuated from outside the cooling air line. A tube is connected to a suction device and has a plurality of inlet openings. The tube is located underneath the screen.

The present invention, as defined by independent claim 18, is directed to an industrial truck that includes a radiator, a cooling air line, and a stationary filter screen that is non-removably installed in the cooling air line. A cleaning device is operatively connected to the filter screen. The cleaning device includes a wiper with a brush configured to contact a surface of the filter screen and remove material from the filter screen, while the filter screen

is inside the cooling air line. The wiper is connected to a lever arm which is connected to a hand lever located outside the cooling air line, such that the lever arm is manually actuated from outside of the cooling air line. The lever arm is a parallel arm. A tube has a plurality of inlet openings, and is positioned under the filter screen and in flow communication with a suction device.

Easter discloses an air filtration system having a wire screen 21 spaced from a radiator 11. Nylon brushes 31 and 32 are movable back and forth on the screen 21. The brushes, 31, 32 are attached to arms 36, 38 connected to a rotatable shaft 39. To provide the sweeping movement for the arms, the wipers are connected to a source of rotational movement supplied by a conventional electric, hydraulic, or vacuum motor (Easter at column 2, lines 67-71). Please note Figs. 1 and 2; and column 2, line 30 to column 3, line 34 of Easter.

Frerich discloses an engine cooling assembly in which rotating brushes 46, 48 and 50 contact the front of a sieve 36 located in front of a cooler 32. The brushes 46, 48 and 50 are located one above the other and rotate independently around a common axis 52. A suction device 54 is arranged on the side of the sieve 36 opposite the brushes 46, 48 and 50. Please note Figs. 2 and 3 and column 2, line 55 to column 3, line 28 of Frerich.

With regard to independent claims 1 and 18, the claims recite specific claim language as to “a hand lever located outside the cooling air line such that the lever arm is manually actuated from outside the cooling air line.” Applicant respectfully submits that Easter and Frerich, taken separately or combined, fail to teach or suggest the above-mentioned subject matter.

As noted above, Easter specifically teaches that the drive means (29), which includes lever arms (48, 51) as part of the four-bar linkage (47), is actuated by a source of rotational movement connected to the shaft (46). The source of rotational movement may be supplied by any conventional electric, hydraulic, or vacuum motor. Thus, Easter teaches only **automated** actuation of the four-bar linkage (47) and does not teach or suggest that the lever arms (48, 51) are **manually** actuated, as is claimed. Frerich also fails to teach or suggest manual actuation of a lever arm via a hand lever. The rejection is therefore improper.

Nevertheless, independent claim 1 has been amended to further recite specific claim language as to “a tube connected to a suction device and having a plurality of inlet openings, wherein the tube is located underneath the screen.” Independent claim 18 has also

been amended to further recite specific claim language as to “a tube having a plurality of inlet openings and positioned under the filter screen and in flow communication with a suction device.” Applicant respectfully submits that Easter and Frerich, taken separately or combined, fail to teach or suggest the above-mentioned subject matter.

As noted by the Examiner, Easter fails to teach or suggest a tube connected to a suction device and having a plurality of openings. According to the Examiner, this subject is taught by Frerich and it would have been obvious to incorporate the teachings of Frerich as to a suction device (54) and tube into the system taught by Easter. However, at no point does Frerich teach or suggest that a tube connected to the suction device (54) includes a plurality of inlet openings, as is currently claimed in claims 1 and 18. Further rejection on these grounds would therefore be improper.

Applicant submits that independent claims 1 and 18 are allowable for at least the foregoing reasons, as the teachings of the prior art of record, including Frerich, are not sufficient to overcome the deficiencies in the teachings of Easter with respect to claims 1 and 18. Applicant respectfully requests that the rejections of these claims be withdrawn.

Claims 4 and 5 are dependent upon independent claim 1 and are allowable for at least the same reasons as claim 1. Applicant respectfully requests that the rejection of claims 4 and 5 be withdrawn.

Further, new claims 21 and 22 have been presented. These claims depend from independent claims 1 and 18, respectively, and are therefore allowable for at least the same reasons as claims 1 and 18. Moreover, these claims recite subject matter as to the wiper being moved in a substantially vertical path. Applicant respectfully submits that Easter and Frerich, taken separately or combined, fail to teach or suggest the above-mentioned claimed subject matter. Rather, Easter teaches that the wiping means (28) moves in an arcuate motion across the surface of the filtering device (10). Please note Fig. 1 of Easter. Applicant submits that claims 21 and 22 are allowable over the prior art of record for this reason as well.

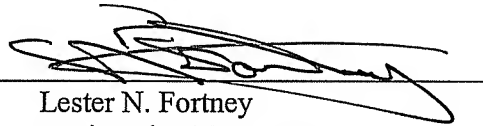
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Conclusion:

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1, 4, 5, 18, 21 and 22 are respectfully requested.

Respectfully submitted,
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